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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,400	04/03/2001	Mutsuhiro Yamanaka	15162/03500	1625

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,400

Applicant(s)

YAMANAKA ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 5/2/2005 of application no. 09/825,400 filed on 4/3/2001 in which claims 1-16 are currently pending.

Arguments

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

The Applicant argues that Onuki discloses that the pixel shifting mode is displayed on the display device DISP; and "there is no disclosure in Onuki of an indicating portion adjoining the display portion for indicating that images are being taken in the multiplex image taking mode". In response, Merriam-Webster defines adjoin as "to be close to or in contact with one another". Clearly, if the mode is displayed on the display device, the mode indicator is close to the display device because it is displayed on its surface.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Onuki (U.S. Pat. No. 6,429, 895).

Regarding claim 7, Onuki teaches an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a display portion for displaying an image taken by the image taking apparatus (col. 11, lines 16-18); and an indicating portion (Fig. 1, Display) adjoining said display portion (Fig. 1, Display) for indicating that images are being taken in said multiplex image taking mode (col. 22, lines 38-41).

Regarding claim 8, Onuki teaches a camera, comprising: a selector which selects a first mode for taking a single image or a second mode for taking a plurality of images to be composed into a single image (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a display portion for displaying an image taken by the camera (col. 11, lines 16-18); and an indicating portion (Fig. 1, Display) adjoining said display portion (Fig. 1, Display) for providing an indication distinguishing between said first mode or said second mode (col. 22, lines 38-41).

Regarding claim 9, Onuki teaches the display indicates said second mode so that a user can recognize said second mode (col. 22, lines 38-41).

Regarding claim 10, Onuki teaches a monitor for displaying an image to be taken, wherein said display is disposed at a location where a user can recognize said display together with said monitor (col. 22, lines 38-41).

Regarding claim 11, Onuki teaches a detector for detecting whether or not there is abnormality disturbing said composing when images are being taken in said second mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6).

Regarding claim 12, Onuki teaches a controller which suspends processing in said second mode when said abnormality is detected by said detector (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onuki (U.S. Pat. No. 6,429, 895) in view of Wakui (U.S. Pat. No. 5742339).

Regarding claim 1, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22,

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lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects abnormality disturbing said multiplex image processing when said plurality of images are being taken in said multiplex image taking mode (col. 23, lines 26-67; col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when abnormality is detected by said detector, suspends processing in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image

recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 2, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects whether or not abnormality disturbing said multiplex image processing resides in said plurality of images taken in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said abnormality is detected by said detector, suspends processing in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before

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allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 3, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects abnormality disturbing said multiplex image processing when said plurality of images are being taken in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that

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images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 4, Onuki discloses an image taking apparatus having a multiplex image taking mode for taking a plurality of images to be subjected to multiplex image processing by which a plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37), the image taking apparatus, comprising: a detector which detects whether or not abnormality disturbing said multiplex image processing resides in said plurality of images taken in said multiplex image taking mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19,

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lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 5, Onuki discloses an image taking method, comprising: detecting abnormality disturbing multiplex image processing when a plurality of images are being taken (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6), wherein said plurality of images are subjected to said multiplex image processing to be composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37); and suspending processing in said multiplex image taking mode when said abnormality is detected (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a

user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 6, Onuki discloses an image taking method, comprising: detecting abnormality residing in a plurality of images taken by a multiplex image taking (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6), wherein said abnormality disturbs multiplex image processing of said plurality of images by which said plurality of images are composed into a single image (col. 22, lines 51-57; col. 20, lines 29-37); and suspending processing in said multiplex image taking mode when said abnormality is detected (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired

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images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 13, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of images to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector for detecting whether or not there is abnormality disturbing said composing when said plurality of images are being taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 14, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of images to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector which detects whether or not abnormality disturbing said composing resides in said plurality of images taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; col. 19, line 65-col. 20, line 6).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose that the controller accepts a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a controller that accepts a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 15, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of image to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector for detecting whether or not there is abnormality disturbing said

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composing when said plurality of images are being taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that said image taking in said specific mode is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to

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enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Regarding claim 16, Onuki teaches a camera, comprising: a selector which selects a specific mode for taking a plurality of images to be composed into a single image among a plurality of image taking modes (col. 21, lines 26-31; col. 21, line 52-col. 22, line 32); a detector which detects whether or not abnormality disturbing said composing resides in said plurality of images taken in said specific mode (col. 22, lines 60-67; col. 21, lines 24-25; Fig. 1, vibration sensors; col. 12, lines 17-23; col. 19, lines 18-25; col. 19, line 36-col. 20, line 6); and a display (Fig. 1, Display) which, when said abnormality is detected by said detector, indicates that said image taking in said specific mode is unsuccessful (col. 20, line 6; col. 20, lines 11-15; see also col. 41, line 65-col. 42, line 32).

Furthermore, Onuki discloses whether or not to perform pixel shifting in accordance with an image sensing mode set by a user (col. 21, lines 24-31); that images may or may not be synthesized based on the degree of blur (col. 38, lines 27-37); and if the degree of blur exceeds a threshold, a warning messages is outputted to the user and one of the plurality of pixel shifting images, rather than a synthesized image, is outputted (col. 41, line 65-col. 42, line 8).

Onuki does not disclose providing a user selection regarding image recording for said plurality of images taken. However, Wakui discloses temporarily storing captured images in a flash memory (Fig. 1B, element 20) before allowing a user to select the desired images for permanent storage to an IC card (col. 7, lines 44-46). One of

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ordinary skill in the art would have enabled a user to preview images and select desired images before permanently storing the desired images so that only the desired images are stored on the IC memory (col. 1, lines 6-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user selection regarding image recording for said plurality of images taken in order to enable a user to select for permanent storage the desired unsynthesized image from the plurality of pixel shifted images.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiomi (U.S. Pat. No. 6,650,361) discloses "a plurality of images taken by pixel shift photography are individually saved without being synthesized".

Noguchi et al. (U.S. Pat. No. 6,169,574) discloses inhibiting the storing of images when the vibration is larger than a predetermined value.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
7/7/2005


DAVID L. OMETZ
PRIMARY EXAMINER